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Prevention of armed conflict

Canada: draft resolution

The situation in the Syrian Arab Republic

The General Assembly,

Guided by its strong commitment to the principles and purposes of the Charter of the United Nations,

Reaffirming its strong commitment to the sovereignty, independence, unity and territorial integrity of the Syrian Arab Republic,

Recalling its resolutions 66/176 of 19 December 2011, 66/253 A of 16 February 2012, 66/253 B of 3 August 2012, 67/183 of 20 December 2012, 67/262 of 15 May 2013, 68/182 of 18 December 2013, 69/189 of 18 December 2014 and 70/234 of 23 December 2015, as well as Human Rights Council resolutions S-16/1 of 29 April 2011,[1] S-17/1 of 23 August 2011,[1] S-18/1 of 2 December 2011,[2] 19/1 of 1 March 2012,[3] 19/22 of 23 March 2012,[3] S-19/1 of 1 June 2012,[4] 20/22 of 6 July 2012,[5] 22/24 of 22 March 2013,[6] 23/1 of 29 May 2013,[7] 23/26 of 14 June 2013,[7] 24/22 of 27 September 2013,[8] 25/23 of 28 March 2014,[9] 31/17 of 23 March 2016,[10] 32/25 of 1 July 2016,[11] 33/23 of 30 September 2016[12] and S-25/1 of 21 October 2016,[13]

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[1] See *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 53* (A/66/53), chap. I.
[2] Ibid., *Supplement No. 53B* and corrigendum (A/66/53/Add.2 and Corr.1), chap. II.
[3] Ibid., *Sixty-seventh Session, Supplement No. 53* and corrigendum (A/67/53 and Corr.1), chap. III, sect. A.
[4] Ibid., chap. V.
[5] Ibid., chap. IV, sect. A.
[6] Ibid., *Sixty-eighth Session, Supplement No. 53* (A/68/53), chap. IV, sect. A.
[7] Ibid., chap. V, sect. A.
[8] Ibid., *Supplement No. 53A* (A/68/53/Add.1), chap. III.
[9] Ibid., *Sixty-ninth Session, Supplement No. 53* (A/69/53), chap. IV, sect. A.
[10] Ibid., *Seventy-first Session, Supplement No. 53* (A/71/53), chap. IV, sect. A.
[11] Ibid., chap. V, sect. A.
[12] Ibid. (A/71/53/Add.1), chap. II.
[13] Ibid. (A/71/53/Add.2), chap. II.

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Recalling also Security Council resolutions 2042 (2012) of 14 April 2012, 2043 (2012) of 21 April 2012, 2118 (2013) of 27 September 2013, 2139 (2014) of 22 February 2014, 2165 (2014) of 14 July 2014, 2175 (2014) of 29 August 2014, 2191 (2014) of 17 December 2014, 2209 (2015) of 6 March 2015, 2235 (2015) of 7 August 2015, 2254 (2015) of 18 December 2015, 2258 (2015) of 22 December 2015, 2268 (2016) of 26 February 2016, 2286 (2016) of 3 May 2016 and 2314 (2016) of 31 October 2016, and expressing outrage that these resolutions have not been fully implemented,

Recalling that, amid expressions of popular discontent over restrictions on the enjoyment of civil, political, economic and social rights, civilian protests erupted in Dar'a in March 2011, and noting that the excessive and violent oppression of civilian protests by the Syrian authorities, which later escalated to the direct shelling of civilian population areas, fuelled the escalation of armed violence and extremist groups, including so-called Islamic State in Iraq and the Levant (also known as Da'esh),

Expressing outrage at the escalation of violence in the Syrian Arab Republic, in particular in Aleppo, and the extensive and persistent violations of international humanitarian law and violations and abuses of international human rights law, including those involving the indiscriminate killing and deliberate targeting of civilians and civilian infrastructure, notably through shelling and aerial bombardment, the use of chemical weapons, as concluded by the Joint Investigative Mechanism, and other prohibited weapons, and the use of siege and starvation of civilians as a method of warfare, which have caused profound suffering and loss of life, have created conditions conducive to the rise and spread of terrorism and violent extremism conducive to terrorism and have caused an exodus of Syrian refugees,

Recalling the primary responsibility of the Syrian Arab Republic to protect its population, and condemning the repeated disregard of the purpose and principles of the Charter, and violations of international humanitarian law and of international human rights law, throughout the conflict in the Syrian Arab Republic, and recalling also the need for all parties to the conflict to fully comply with their obligations under international law, in particular the Charter, international humanitarian law and international human rights law, and expressing deep concern at the lack of compliance with these obligations,

Expressing alarm at the failure to implement relevant Security Council and General Assembly resolutions and the continued disregard for international humanitarian law and international human rights law, and expressing alarm that the responsibility of the Security Council to ensure prompt and effective action has not been further discharged with regard to the Syrian Arab Republic,

Expressing grave concern at the continued deterioration of the devastating humanitarian situation in the Syrian Arab Republic and the fact that more than 13.5 million people are now in need of humanitarian assistance in the Syrian Arab Republic, expressing grave concern at the increasing number of refugees and internally displaced persons caused by the conflict in the Syrian Arab Republic, including the nearly 6.3 million people who are internally displaced, in addition to the half million Palestinian refugees in the Syrian Arab Republic, expressing the gravest concern at the destabilizing effect of the crisis on the region, underlining the

extreme urgency of finding a political solution, and reiterating its appreciation for the significant and admirable efforts that have been made by the countries of the region, notably, Egypt, Iraq, Jordan, Lebanon and Turkey, to accommodate the more than 4.8 million registered refugees who have fled the Syrian Arab Republic as a result of the ongoing violence,

Expressing grave concern also at the dire situation of the civilian population, in particular of the 974,080 people trapped in besieged areas, as well as the dire situation of nearly 3.9 million people in hard-to-reach areas,

Strongly condemning and deploring all acts of violence, attacks and threats against the wounded and sick, medical personnel and humanitarian personnel exclusively engaged in medical duties, their means of transport, equipment and supplies, as well as hospitals and other medical facilities, and deploring the long-term consequences of such attacks for the civilian population and the health-care system of the Syrian Arab Republic,

Strongly alarmed that attacks against schools, schoolchildren and teachers are commonplace, risking losing a generation as a result of the over 2 million out-of-school children and adolescents and the one in three schools being damaged, destroyed or occupied,

Deeply concerned by the situation of vulnerable persons, including women and children, who are subjected to discrimination, sexual and gender-based violence, abduction, physical abuse, violation of their privacy and arbitrary arrest and detention, deploring all violations against children, including the recruitment and use of children, and condemning the use by the Syrian authorities and all other parties of enforced disappearances, extrajudicial, summary or arbitrary executions and torture,

Recalling the report of the Independent International Commission of Inquiry on the Syrian Arab Republic of 11 August 2016, [14] which reiterated key recommendations calling for all parties to, inter alia, restore and revitalize the cessation of hostilities, minimize civilian casualties and end indiscriminate attacks, allow rapid, safe, sustained, unhindered and unconditional access for humanitarian aid and end all sieges immediately,

Deeply concerned by the presence of terrorist organizations in the Syrian Arab Republic and the spread of violent extremism conducive to terrorism, strongly condemning all terrorist attacks, abuses of human rights and violations of international humanitarian law carried out by so-called Islamic State in Iraq and the Levant (Da'esh), Al-Nusrah Front and all other individuals, groups, undertakings and entities associated with Al-Qaida or Islamic State in Iraq and the Levant (Da'esh), and other terrorist groups, as designated by the Security Council, and reiterating the call on all parties to commit to putting an end to terrorist acts perpetrated by such organizations and individuals, while reaffirming that terrorism in all its forms constitutes one of the most serious threats to international peace and security and that any acts of terrorism are unjustifiable, regardless of their motivation, wherever, whenever and by whomsoever committed,

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[14] A/HRC/33/55.

Recalling the importance of the principles of distinction and proportionality, which, inter alia, refer to the obligation under international humanitarian law to distinguish between civilian populations and combatants, the prohibition against indiscriminate attacks, and the obligation to do everything feasible to verify that the objects to be attacked are neither civilians nor civilian objects and are not subject to special protection, and recalling further the obligation to take all other feasible precautions with a view to avoiding, and in any event minimizing, harm to civilians and civilian objects, including schools, water, medical facilities as such and all other objects indispensable to the survival of the civilian population,

Deeply disturbed by the continued denial of access to urgently needed humanitarian relief, particularly the denial of authorization by the Syrian regime, and the persistent lack of security and lack of freedom of movement and the presence of any other conditions that impede the delivery of humanitarian assistance and supplies, as assessed and provided by the United Nations, its implementing partners and all other humanitarian actors, to destinations within the Syrian Arab Republic, including to besieged and hard-to-reach areas, and stressing the need to strengthen a gender perspective in all humanitarian efforts,

Recalling that all Syrian parties to the conflict shall enable the immediate and unhindered delivery of humanitarian assistance, and stressing that the arbitrary denial of humanitarian access, depriving civilians of objects and assistance indispensable to their survival, including wilfully impeding relief supplies such as food aid and lifesaving medical supplies, and the use of starvation as a method of warfare may constitute a war crime,

Stressing the need to end impunity for serious violations of international humanitarian law and for violations and abuses of international human rights law in the Syrian Arab Republic, some of which may constitute war crimes or crimes against humanity, and re-emphasizing the need for all those responsible to be held accountable,

Emphasizing that the humanitarian situation will continue to deteriorate further in the absence of a political solution, and reiterating that the only sustainable solution to the current crisis in the Syrian Arab Republic is through an inclusive and Syrian-led political process that meets the legitimate aspirations of the Syrian people,

Reiterating its determination to seek ways and means to protect the Syrian civilian population and persons hors de combat,

1. *Demands* an immediate and complete end to all attacks on civilians and civilian objects indispensable to the survival of the civilian population, as well as an immediate end to all sieges in the Syrian Arab Republic, including in Aleppo;

2. *Also demands* the immediate cessation of hostilities, as described in Security Council resolution 2268 (2016), as well as rapid, safe, sustained, unhindered and unconditional humanitarian access throughout the Syrian Arab Republic for the United Nations and its specialized agencies, and all humanitarian actors;

3. *Further demands* that all parties to the Syrian conflict immediately comply with their obligations under applicable international law, including

international humanitarian law and international human rights law, including with respect to all besieged and hard-to-reach areas inside the Syrian Arab Republic;

4. *Demands* that all parties take all appropriate steps to protect civilians and persons hors de combat, including members of ethnic, religious and confessional communities, and stresses that, in this regard, the primary responsibility to protect its population lies with the Syrian authorities;

5. *Also demands* that all parties to the conflict fully and immediately implement all the provisions of Security Council resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2199 (2015), 2209 (2015), 2254 (2015), 2258 (2015), 2268 (2016) and 2286 (2016);

6. *Highlights* its demand for the full and immediate implementation of Security Council resolution 2254 (2015), which, inter alia, reiterates that the only sustainable solution to the current crisis in the Syrian Arab Republic is through an inclusive and Syrian-led political process that meets the legitimate aspirations of the Syrian people, with a view to full implementation of the Geneva communiqué of 30 June 2012, as endorsed by the Council in resolution 2118 (2013), including through the establishment of an inclusive transitional governing body with full executive powers, which shall be formed on the basis of mutual consent while ensuring continuity of governmental institutions;

7. *Reaffirms* its support for a credible, inclusive and non-sectarian Syrian-led political process, involving women and civil society, facilitated by the United Nations, requests the Secretary-General, through his good offices and the efforts of his Special Envoy for Syria, to resume the formal negotiations between representatives of the Syrian authorities and the opposition under the auspices of the United Nations, based on the Geneva communiqué of 30 June 2012 and relevant Security Council resolutions, with a view to a lasting political settlement of the crisis, as soon as possible, and urges the representatives of the Syrian authorities and the opposition to engage in good faith in these negotiations;

8. *Condemns* the reported forced displacements of the population in the Syrian Arab Republic and the alarming impact thereof on the demography of the country, and calls upon all parties concerned to cease immediately all activities related to these actions, including any activities that may constitute crimes against humanity;

9. *Emphasizes* the need to ensure accountability for crimes involving violations of international law, in particular of international humanitarian law and international human rights law, some of which may constitute war crimes or crimes against humanity, committed in the Syrian Arab Republic since March 2011, through appropriate, fair and independent investigations and prosecutions at the domestic or international level, and stresses the need to pursue practical steps towards this goal to ensure justice for all victims and contribute to the prevention of future violations;

10. *Urges* the Security Council to further exercise its responsibility for the maintenance of international peace and security by taking additional measures to address the crisis in the Syrian Arab Republic, in particular the devastating humanitarian crisis, and stresses in this regard Article 11 of the Charter of the United Nations;

11. *Requests* the Secretary-General to report on the implementation of the present resolution, including the implementation of the cessation of hostilities, in accordance with paragraph 2 of the present resolution, the extent to which all parties to the Syrian conflict, in particular the Syrian authorities, are complying with their obligations under international humanitarian law and international human rights law and progress towards a genuine political transition, and to provide recommendations on ways and means to protect civilians in the Syrian Arab Republic, within 45 days of the adoption of the present resolution.